United Nations A/ES-10/302–S/2005/321

General Assembly
Security Council

Distr.: General
18 May 2005

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Letter dated 17 May 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

Israel, the occupying Power, continues to build its expansionist Wall in the Occupied Palestinian Territory, in grave violation of international law, including international humanitarian law and human rights law, and in flagrant disrespect for the 9 July 2004 Advisory Opinion of the International Court of Justice and the will of the international community, as expressed in General Assembly resolution ES-10/15 of 20 July 2004.

Today, the Israeli Government announcement its intention to continue with its expansionist plans to extend its Wall around the "Maale Adumim" settlement, the largest illegal Israeli settlement located east of Jerusalem in the Occupied Palestinian Territory. If implemented, the so-called "Maale Adumim loop" plan, which was approved by the Israeli Ministerial Council in February 2005, will lead to the confiscation and the de facto annexation of even more Palestinian land. This will also separate and isolate Occupied East Jerusalem from the rest of the West Bank and will gravely exacerbate the freedom of movement of Palestinian civilians to and from East Jerusalem.

Moreover, upon completion of the so-called "Maale Adumim loop", Israel, the occupying Power, plans to begin construction on another section of its expansionist Wall, this time connecting the illegal settlement of "Gush Etzion" to Jerusalem from the south. The occupying Power intends to establish a separate apartheid-like road to allow Palestinians access to the West Bank, with a small entrance to Jerusalem only open for Israeli motorists travelling from the Jordan Valley. It should be reiterated that the continuation by Israeli of such illegal activities and practices is clearly intended not for security purposes, as claimed by the occupying Power, but to create facts on the ground with the intention of determining the future of Occupied East Jerusalem, which remains one of the most crucial issues in regards to negotiations of the final settlement, thus demarcating a new border in far departure from the pre-1967 borders.

05-34908 (E) 180505

The building of the Wall and all of Israel's illegal practices are taking us farther away from a peaceful settlement and seriously undermining the two-State solution to the Israeli-Palestinian conflict. Indeed, this expansionist Wall, if not ceased and dismantled, will make the two-State solution physically impossible to achieve. Such grave threats to the search for peace and stability must be addressed by the international community and urgent efforts must be taken to bring the parties back to negotiations aimed at the implementation of the Road Map and the achievement of the two-State solution to the Israeli-Palestinian conflict.

The international community must continue to be seized of this critical matter and must undertake measures to compel Israel, the occupying Power, to cease carrying out such measures in the Occupied Palestinian Territory, including East Jerusalem, which constitute breaches of international law and are a grave detriment to the serious efforts being exerted to revive the fragile peace process. The Security Council in particular has the duty to address this issue and to take the necessary measures to ensure that Israel upholds its responsibilities and legal obligations and that Member States also uphold their legal obligations in this regard, as mentioned in the Advisory Opinion of the International Court of Justice and as overwhelmingly called for by the General Assembly in its resolution ES-10/15 and in numerous other resolutions.

The present letter is in follow-up to our previous 217 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 15 April 2005 (A/ES-10/300-S/2005/244) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that the Israeli occupying forces continue to use excessive and lethal force against the Palestinian civilian population under occupation. Since our last letter to you, at least 11 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,664. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

Annex to the letter dated 17 May 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General

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United Nations A/ES-10/302–S/2005/321*

General Assembly
Security Council

Distr.: General
23 May 2005

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 17 May 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

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* Reissued for technical reasons.

05-34908* (E) 240505

Occupied East Jerusalem, which remains one of the most crucial issues in regards to negotiations of the final settlement, thus demarcating a new border in far departure from the pre-1967 borders.

The building of the Wall and all of Israel's illegal practices are taking us farther away from a peaceful settlement and seriously undermining the two-State solution to the Israeli-Palestinian conflict. Indeed, this expansionist Wall, if not ceased and dismantled, will make the two-State solution physically impossible to achieve. Such grave threats to the search for peace and stability must be addressed by the international community and urgent efforts must be taken to bring the parties back to negotiations aimed at the implementation of the Road Map and the achievement of the two-State solution to the Israeli-Palestinian conflict.

The international community must continue to be seized of this critical matter and must undertake measures to compel Israel, the occupying Power, to cease carrying out such measures in the Occupied Palestinian Territory, including East Jerusalem, which constitute breaches of international law and are a grave detriment to the serious efforts being exerted to revive the fragile peace process. The Security Council in particular has the duty to address this issue and to take the necessary measures to ensure that Israel upholds its responsibilities and legal obligations and that Member States also uphold their legal obligations in this regard, as mentioned in the Advisory Opinion of the International Court of Justice and as overwhelmingly called for by the General Assembly in its resolution ES-10/15 and in numerous other resolutions.

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United Nations A/ES-10/302-S/2005/321**

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Security Council

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26 May 2005

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

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** Second reissue for technical reasons.

05-34908** (E) 260505

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(*Signed*) Somaia **Barghouti**
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United Nations S/2005/322

Security Council

Distr.: General
18 May 2005

Original: English

Letter dated 17 May 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1596 (2005) concerning the Democratic Republic of the Congo. In paragraph 21 of the resolution, the Council requested me to re-establish, in consultation with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, for a period expiring 31 July 2005, the Group of Experts referred to in paragraph 10 of resolution 1533, with the addition of a fifth expert having the necessary skills to perform the mandate, as set out in the same paragraph.

Accordingly, I wish to inform you that, taking into account the requirements stated in resolution 1596 (2005), I have appointed the following five experts:

1. Mr. Ibra Deguène Ka (Senegal, Chairman)
2. Ms. Kathi Lynn Austin (United States of America, arms trafficking expert)
3. Mr. Enrico Carisch (Switzerland, finance expert)
4. Mr. Abdoulaye Cissoko (Mali, aviation expert)
5. Mr. Jean Luc Gallet (France, customs and border control expert)

I have also selected Mr. Ka to chair the Group of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-34872 (E) 180505

United Nations S/2005/323

Security Council

Distr.: General
18 May 2005

Original: English

Letter dated 10 May 2005 from the Secretary-General addressed to the President of the Security Council

The United Nations Tajikistan Office of Peacebuilding (UNTOP) was established to assist the post-conflict stabilization in Tajikistan, at the request of the Government. Following the withdrawal of the United Nations Mission of Observers in Tajikistan in 2000, UNTOP provides the political framework and leadership for peacebuilding activities of the United Nations system in Tajikistan. Together with the United Nations country team and in cooperation with the Tajik authorities at all levels, political parties, civil society and donor countries, the Office works towards establishing the necessary conditions and self-sustaining national mechanisms that make the peace process irreversible. In this respect, UNTOP facilitates the continuation of national dialogue and reconciliation, actively assists in strengthening democratic institutions and conflict prevention mechanisms, promotes the rule of law and contributes to building national capacity in the area of human rights.

During the past five years of peacebuilding, Tajik society has come along way in healing the wounds of civil war. However, much remains to be done in strengthening national unity and consolidating peace. To this end, in 2004, UNTOP, in cooperation with the central and local authorities, organized eight political discussion club sessions in all regions of the country. More than 1,000 government officials, political party activists and representatives of civil society participated in the sessions, which fostered new forms of social partnership between the Government and civil society, with the effect of making local government more transparent and accountable to citizens. The sessions enabled political parties to present their platforms during the pre-electoral period and brought about the adoption of amendments to Tajik electoral law that are more in accord with international standards. UNTOP continued to play a unique role of quiet facilitation, particularly on the most delicate and contentious of issues.

At the recommendation of a United Nations Electoral Needs Assessment Mission, UNTOP developed and supervised the implementation of a technical assistance project for the parliamentary elections of February 2005. More than 13,000 poll workers and 300 district election commissioners were trained in electoral procedures across all 41 districts of Tajikistan, while more than 250 local media representatives were briefed on electoral procedures and relevant laws. The project was the most substantial input to strengthening the national electoral administration since the country attained independence in 1991.

05-34929 (E) 190505

With a view to building national capacity in conflict prevention, UNTOP organized the training of 20 Tajik instructors who, in turn, prepared more than 220 local government officials, political party activists, media representatives and community leaders in the effective application of conflict prevention and resolution mechanisms.

To strengthen respect for the rule of law, the Office facilitated the reform and transition of national law enforcement agencies to peacetime policing. UNTOP's civilian police and human rights advisers organized training for staff of the Ministry of the Interior in human rights standards, forensic techniques and modern practices in law enforcement, arranging under one project the preparation of 40 instructors from the Ministry of the Interior, who trained 1,080 staff of the Ministry throughout the country. The Office also provided technical assistance and study courses for staff of the Ministry in police academies of Eastern European countries.

In the field of human rights, UNTOP assisted in building national capacities in treaty reporting and implementation, legal protection for citizens and human rights awareness. The Office facilitated the preparation of national reports on the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and both International Covenants on Human Rights. The preparation of the reports fostered dialogue and cooperation between the Government, non-governmental organizations and civil society.

UNTOP supported the Government in implementing treaty obligations through the reform of national legislation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, strengthening human rights standards and adherence to them in the judiciary and the civil service. In addition to coordinating human rights activities among local and international actors in Tajikistan, the Office closely monitored human rights developments in the country and advised the authorities on politically sensitive cases.

In view of the important and very positive role being played by UNTOP, as well as the country's continuing need for support in its post-conflict peacebuilding efforts, and in response to the request of the Government of Tajikistan, it is my intention to continue the activities of UNTOP for a further period of one year, until 1 June 2006.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

United Nations S/2005/324

Security Council

Distr.: General
18 May 2005

Original: English

Letter dated 18 May 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 10 May 2005 (S/2005/323) concerning your intention to continue the activities of the United Nations Tajikistan Office of Peacebuilding (UNTOP) for a further period of one year, until 1 June 2006, has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein.

(*Signed*) Ellen Margrethe **Løj**
President of the Security Council

05-34923 (E) 190505

United Nations S/2005/325

Security Council

Distr.: General
19 May 2005
English
Original: French

Letter dated 19 May 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Burundi to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the declaration on the meeting held in Dar-es-Salaam on 15 May 2005 between the Transitional Government of Burundi and PALIPEHUTU-FNL (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Léonidas **Nkingiye**
First Counsellor
Chargé d'affaires a.i.

05-35044 (E) 200505 200505

Annex to the letter dated 19 May 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Burundi to the United Nations addressed to the President of the Security Council

Declaration on the Dar-es-Salaam meeting of 15 May 2005 between the Transitional Government of Burundi and PALIPEHUTU-FNL

The Transitional Government of the Republic of Burundi, represented by His Excellency Mr. Domitien Ndayizeye, President of the Republic,

and

PALIPEHUTU-FNL, represented by His Excellency Mr. Agathon Rwasa, President of the Party,

Having discussed and agreed on the necessity of ending the war in order to achieve lasting peace and a climate of trust among the people of Burundi,

Having agreed to begin negotiations in a climate of calm that is conducive to the advancement of the peace process,

Determined to undertake a comprehensive review of the root causes of the conflict in Burundi,

Have agreed as follows:

1. The two parties declare an immediate cessation of hostilities and decide to establish within a period of not more than one month technical teams with a mandate to decide on the mechanisms of the permanent ceasefire between the two belligerents.

2. The two parties also undertake to begin negotiations as early as possible.

3. The two parties undertake to negotiate without, however, disrupting the electoral process currently under way.

4. The two parties thank the President of the United Republic of Tanzania, His Excellency Benjamin William Mkapa and his Government for facilitating the meeting between the Transitional Government of Burundi and PALIPEHUTU-FNL.

Done at Dar-es-Salaam on 15 May 2005

President of PALIPEHUTU-FNL
(*Signed*) His Excellency
Mr. Agathon **Rwasa**

President of the Republic of Burundi
(*Signed*) His Excellency
Mr. Domitien **Ndayizeye**

Witness:

Honourable Jakaya Mrisho **Kikwete**
Minister for Foreign Affairs and International Cooperation
of the United Republic of Tanzania

United Nations S/2005/326

Security Council

Distr.: General
20 May 2005

Original: English

Letter dated 12 May 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the European Union-United States joint statement on Somalia, issued on 12 May 2005 (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-35130 (E) 230505

Annex to the letter dated 12 May 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

European Union-United States joint statement on Somalia, issued on 12 May 2005

The United States and the European Union welcome Somali efforts to conclude an agreement on the relocation of the Somali transitional federal institutions to Somalia, including the efforts of the Somali parties to facilitate demilitarization in Mogadishu, which should be incorporated into a national plan as soon as possible.

The Somali reconciliation process is at a critical stage. There is an urgent need for a viable agreement on relocation and security endorsed by the transitional federal institutions. In order for this process to succeed, the Somali people, through the transitional federal institutions, must make their own decisions regarding how best to relocate to Somalia and begin the gradual process of establishing governance.

The European Union and United States urge all Somali parties to continue their efforts towards reconciliation and dialogue and quickly come to an agreement that will facilitate the relocation of the transitional federal institutions to Somalia.

The European Union and the United States also welcome the visit of Prime Minister Ali Mohamed Ghedi to Mogadishu. This visit represents a positive step forward in the reconciliation process. We deeply regret, however, the incident of 3 May at Mogadishu Stadium during the Prime Minister's visit and we extend our condolences to the families and relatives of the victims.

The acceding countries Bulgaria and Romania, the candidate countries Croatia* and Turkey, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations A/59/805–S/2005/327

General Assembly
Security Council

Distr.: General
19 May 2005

Original: English

General Assembly
Fifty-ninth session
Agenda items 36 and 148

Security Council
Sixtieth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 19 May 2005 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the latest series of terrorist attacks perpetrated against Israel.

Since yesterday, 18 May 2005, Palestinian terrorists have fired over 40 mortar shells at Israeli communities in the Gaza Strip. The Palestinian Authority was notified of these attacks, but did not successfully prevent them or arrest the terrorists involved.

Terrorist elements also launched Qassam rockets against an Israeli community in the western Negev, and Hamas terrorists opened fire at an Israeli Defense Force (IDF) post on the Philadelphi route. Meanwhile, Israeli Security Forces uncovered a 40-kilogram explosive planted by terrorists in the same area.

In addition to this, during the night, a Hamas terrorist approached the Israeli-Egyptian border with the intention of laying and detonating an explosive device in order to target IDF forces. According to information from Palestinian officials given to IDF, the terrorist was apparently killed by a malfunction in the explosive device he was carrying.

As you are well aware, there have been a number of positive developments in the region of late, and Israel is doing its utmost to help create an atmosphere conducive to advancing the peace process. Attacks like these, however, jeopardize the future prospects for peace.

Despite this ongoing terrorist activity, Israel continues to exercise restraint and hopes that the new Palestinian leadership, as well as all States in the region, will finally meet their obligations and adopt a policy of zero tolerance for terrorism. Israel is engaging in a serious effort to renew the peace process, and has proved

05-35092 (E) 200505

ready to live up to its own obligations, but it expects the Palestinian leadership to be more active in fully eradicating terrorist activity.

Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics, and to accept nothing less than the complete dismantling of terrorist organizations, as well as unyielding efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law and Security Council resolutions, in particular resolution 1373 (2001), as well as the road map. To delay such actions represents a direct and immediate threat to the fragile hopes of peace that have been rekindled in the region.

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism launched in September 2000, which document the crimes for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the General Assembly, under agenda items 36 and 148, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

S/2005/328

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United Nations S/2005/328

Security Council

Distr.: General
19 May 2005

Original: English

Fourth report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1577 (2004) of 1 December 2004, by which the Council extended the mandate of the United Nations Operation in Burundi (ONUB) until 1 June 2005 and requested me to report every three months on the situation in Burundi, the implementation of the Arusha Peace and Reconciliation Agreement for Burundi and the execution of the Operation's mandate. The report covers major developments since my report of 8 March 2005 (S/2005/149).

II. Transitional process

2. Despite continuing, and sometimes worrying, delays leading to a second extension of the transition period, the Burundian parties, with the support of the international community, have continued to advance on the path of peace. There were several developments during the reporting period, including the successful conduct of the referendum on a post-transition constitution; the promulgation of the electoral code and communal law and announcement of a new electoral calendar; progress towards disarmament, demobilization and reintegration and security sector reform; and positive signs that the FNL (Rwasa) armed group may finally join the peace process.

3. On 22 April, the Chairman of the Regional Peace Initiative for Burundi, President Yoweri Museveni of Uganda, convened a summit in Entebbe that was attended by the South African Facilitator, the Deputy President of South Africa, and the Presidents of Kenya, the United Republic of Tanzania and Zambia, together with high-level representatives from Ethiopia, Rwanda and the African Union, and my Special Representative for Burundi, Carolyn McAskie, who delivered a statement on my behalf. The President of Burundi, Domitien Ndayizeye, also participated. The Summit endorsed a new electoral calendar presented by the Chairman of the Burundi Independent National Electoral Commission and, consequently, extended the transition period until 26 August 2005. The Summit also called for strict adherence to the new electoral timeline, according to which communal elections would be held on 3 June; legislative elections on 4 July; Senate elections on 29 July; and the election of a post-transition president by Parliament on 19 August.

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According to the calendar, elections at the *collines* level are to be held after the end of the transition period, on 23 September. The Summit also endorsed the efforts of the President of the United Republic of Tanzania, Benjamin Mkapa, in his contacts with FNL (Rwasa), and mandated the Facilitator to resolve outstanding issues between CNDD-FDD (Nkurunziza) and President Ndayizeye.

4. As national elections draw near, tensions between the Burundian parties have mounted, especially between FRODEBU and CNDD-FDD (Nkurunziza). Tensions — which have led CNDD-FDD to suspend its participation in Transitional Government cabinet meetings since the end of April — began following the death on 22 March 2005 of the Minister of the Interior (a post reserved for CNDD-FDD), when President Ndayizeye rejected a replacement nominated by CNDD-FDD, requesting the submission of several candidates for the post. The leader of CNDD-FDD, Pierre Nkurunziza, subsequently addressed a letter to the Chairman of the Regional Initiative outlining his party's concerns regarding the transitional process. On 9 May 2005, President Ndayizeye met with Mr. Nkurunziza in Pretoria at the invitation of the Facilitator, Deputy President Jacob Zuma. Discussions focused on CNDD-FDD concerns regarding the transitional process, and it was agreed that closer consultation was required between the two leaders. President Ndayizeye also undertook to appoint an alternative Minister of the Interior nominated by CNDD-FDD, which he did on 11 May.

5. There have also been reports of parties seeking to curb the activities of their rivals. In Kayanza Province, the local FRODEBU administration reportedly detained a number of CNDD-FDD officials for political reasons. In Mwaro Province, a key political territory for rival G7 parties, the Mouvement pour la réhabilitation du citoyen (MRC) accused the Union pour le progrès national (UPRONA) of using the local administration, which it controls, to disrupt opponents' political activities.

6. During the electoral period, ONUB, inter alia through its chairmanship of the Implementation Monitoring Committee, will continue to work with the political parties to ensure that they are permitted to operate and campaign in the manner and spirit that was envisaged by the Arusha Agreement.

Preparations for elections

7. Despite two postponements, the referendum on the post-transition Constitution was successfully conducted without major incident on 28 February 2005. Of the 3.3 million registered voters, 92.4 per cent, or 2,894,372 Burundians, exercised their right to vote for the first time since 1994, and about 90.1 per cent of voters endorsed the Constitution. On 6 March, the Constitutional Court of Burundi confirmed the referendum results and formally adopted the Constitution. The referendum was conducted with the financial support of the international donor community and extensive technical and logistical assistance from ONUB.

8. International donors provided full funding and ONUB provided extensive transportation assistance, including the movement of more than 100 tons of electoral materials to polling stations, by both air and road. ONUB also continued to provide technical advice to the Electoral Commission and its regional offices and established operational liaison channels between the various actors, including liaison with the national security forces. Some 600 election observers from civil society monitored the ballot; together with 300 ONUB personnel, they reported a

small number of discrepancies, which have since been taken into consideration in the planning for the forthcoming national elections.

9. Following the conclusion of the referendum, both the electoral code and the communal law, mandatory prerequisites for the conduct of elections, were submitted to the National Assembly early in March. Their consideration by both the National Assembly and the Senate did not proceed expeditiously, however, despite repeated calls from ONUB and the international community. As a consequence, the Electoral Commission continued to withhold the publication of an electoral calendar. On 20 April, two days before the end of the extension of the transition period, both laws were promulgated, allowing the Electoral Commission, with assistance from ONUB, to propose a new electoral calendar that was subsequently endorsed by the Regional Initiative.

10. I am pleased to report that preparations for the holding of elections are now at an advanced stage. Shortly after the adoption of the revised electoral calendar, presidential decrees for the convening of the communal and legislative elections were issued, followed by the Electoral Commission's publication of rulings regarding political party candidacies and the revision of voters' rolls for the commune elections. By 8 May, 32 political parties had completed the submission of their candidates' lists for the communal elections, with an average of 11 parties competing per commune. The submission of candidacies for the legislative elections is expected to be completed by 20 May.

11. In the meantime, tenders for the printing of ballot papers were awarded on 13 May and, on 10 May, ONUB vehicles and helicopters started the distribution of transparent ballot boxes, seals and indelible ink to all provincial electoral centres. From there, the Operation's regional electoral units are expected to assist the provincial election commissions with the distribution of the electoral materials to the communes.

Contacts with FNL

12. Following consultations with the Regional Initiative, the United Nations, and international partners, the Government of the United Republic of Tanzania held meetings with a delegation from FNL (Rwasa) in Dar es Salaam from 4 to 12 April 2005. At the conclusion of the meetings, the FNL delegation issued a statement in which it expressed the armed group's intention to negotiate with the Government of Burundi, cease hostilities, and provide a written explanation for its involvement in the Gatumba massacre of 13 August 2004. President Mkapa, the Deputy Chairperson of the Regional Initiative, subsequently met in Dar es Salaam on 25 April with the leader of FNL, Agathon Rwasa, who reiterated the group's commitment to commence negotiations with the Transitional Government. The Burundian Presidential Spokesperson, the Special Envoy of the Netherlands for the Great Lakes region, and my Deputy Special Representative for Burundi attended the meetings in Dar es Salaam as observers.

13. The Government of the United Republic of Tanzania is expected to report to the Regional Initiative on the outcome of its discussions with FNL. In parallel, it is establishing with the Government of Burundi and FNL clear parameters by which the two sides can enter into direct talks, including talks on the conclusion of a comprehensive ceasefire and how FNL and its combatants could be incorporated into the peace process and the disarmament, demobilization and reintegration

process, respectively. On 12 May, the Government of the United Republic of Tanzania extended an invitation to President Ndayizeye to meet with the FNL leader. The meeting was held on 15 May in Dar es Salaam.

Implementation Monitoring Committee

14. At a special session on 22 February, the Implementation Monitoring Committee called for greater funding for refugee repatriation and rehabilitation and emphasized the need for the Transitional Government to address land allocation for returnees and internally displaced persons. At its twenty-sixth and twenty-seventh regular sessions, the Committee expressed concern at the delayed passage of the communal law and the electoral code through the Parliament, and the reluctance of the Electoral Commission to release an electoral timetable. The Committee welcomed the orderly conduct of the referendum and the progress made in the cantonment of ex-combatants, but called upon the Transitional Government to ensure the adoption of the necessary legal framework, including a decree on the harmonization of military ranks, in order to allow for the reintegration of the former armed political parties and movements into the new national defence and police forces. Concern was also expressed about the quality of some of the reintegration programmes for child soldiers.

III. Military and security developments

Security situation

15. Overall, the security situation in Burundi remained stable during the reporting period, although minor clashes continued with armed elements of FNL (Rwasa) and acts of banditry and looting persisted. Two ONUB electoral staff were held at gunpoint by a group of armed assailants at their house in Gitega on 3 March. While personal effects were stolen, they were not physically harmed. On 29 April, a hand grenade was thrown at the residence of the head of the delegation of the European Commission in Bujumbura, causing property damage, but no injuries.

16. Progress in the disarmament, demobilization and reintegration process has reportedly had some security implications, including in Mubimbi and Kabezi communes in Bujumbura Rural, where reported acts of criminality increased after the withdrawal of CNDD-FDD combatants to cantonment sites. Consequently, ONUB reinforced its patrols in those areas in March and April 2005. The subsequent deployment of National Defence Force units at the end of April has since contributed to an improved security situation in Bujumbura Rural.

Small arms

17. On 4 May 2005, President Ndayizeye signed into law a civilian disarmament decree strengthening the country's efforts to reduce the number of weapons retained in private homes across the country. The decree was complemented by the signing of separate legislation prohibiting off-duty police and military personnel from wearing uniforms or bearing arms during the electoral period. It is hoped that these measures will contribute to the overall security in Burundi. To assist the country's disarmament initiatives, provide advice and coordinate the international community's assistance in this regard, a UNDP small arms expert will shortly be deployed to Burundi for an initial six-month period.

Mine action

18. With the assistance of the United Nations, the National Mine Action Coordination Centre is expected to complete a national mine action plan by the second half of 2005. The plan will seek to reduce the risk of injury or death from landmines or unexploded ordnance within the context of the Government's National Strategic Plan, which envisages that Burundi will be free of mines and unexploded ordnance by 2010. United Nations assistance is expected to progressively diminish as local capacity is strengthened with the support of UNDP and project funding facilitated through the country's poverty reduction strategy.

Security sector reform

19. Progress towards security sector reform continued, albeit slowly, including the closure of all pre-disarmament assembly areas and the cantonment of combatants; resolution of the longstanding issue of military rank harmonization, and the commencement of training and deployment of integrated units of the National Defence Force.

20. The last pre-disarmament assembly area closed in April 2005, following the transfer of all combatants of the armed political parties and movements to the cantonment sites. From the Gashingwa, Mabanda and Kibuye sites, those combatants are being regrouped and transferred to the military regions where they are undergoing joint training with former units of the Burundian armed forces before their formal integration into formed brigades of the new National Defence Force. This process has already been completed for combatants who were housed at the Mabanda and Gashingwa cantonment sites. In addition, two brigades and one special protection unit, comprising a total of 6,000 personnel, have already been established and deployed through direct integration.

21. On 11 May, President Ndayizeye signed a decree regulating the harmonization of military ranks. The decree sets out the mechanism for the demobilization of officers, including agreed numbers for different ranks per armed political parties and movements and compensation packages attached to each. The demobilization of officers, which was suspended pending these clarifications, is now expected to proceed. The decree also regulates the status of officers who will be integrated into the National Defence Force and national police.

22. While important steps are being taken, progress on this front will require further technical and financial assistance from international partners. ONUB, in consultation with the Transitional Government and donors, is developing a security sector reform strategy that will outline modalities for the integration of the National Defence Force and the police force, including timelines, the size of each force, and actions required of both the Government and the international partners. Pending finalization of this strategy, ONUB continues to coordinate closely with the Government and international partners, in order to ensure that the necessary resources are available for this crucial process.

Disarmament, demobilization and reintegration

23. As at 10 May 2005, some 9,630 former combatants of the Burundian armed forces and the armed political parties and movements had entered the national demobilization process, including 2,939 child soldiers. Some 6,600 demobilized

former combatants have received their first reinsertion payment and have resettled in their community of choice, many investing in incoming-generating activities. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration has established 10 provincial offices in support of ex-combatant reinsertion. Those offices will increasingly play a leading role in the implementation of the national reintegration strategy, which the Transitional Government announced on 5 April 2005. The implementation of the reintegration strategy will be a challenge, and ONUB will continue to monitor the situation and work closely with the Multi-Country Demobilization and Reintegration Programme in this regard.

Police

24. During the reporting period, 6,896 members of armed political parties and movements were transferred to the Rugazi cantonment site, which was designated for combatants selected for integration into the national police. With the assistance of ONUB, the subsequent transfer of those combatants to 20 police training centres around the country has begun, and is expected to be completed by the end of May. At the training centres, where the combatants are joining 8,300 former members of the Gendarmerie and 1,400 former internal security police, they will undergo integration and harmonization training. Once the training has been completed, the new police officers will be transferred to the 143 police posts nationwide.

25. To date, ONUB has trained 160 police trainers, who have since been deployed to the police training centres. ONUB has also held a training session in the use of force for corrections officers at Muyinga penitentiary, and is providing technical advice in the development of criminal investigation training for 200 officers from the Burundi Judicial Police. The deployment of ONUB police officers to the mission's five regional offices provides the local national police with an important advisory capacity. This proved particularly useful during the referendum, when ONUB police officers offered assistance to the local police for the strengthening of security measures before, during and after the voting.

26. At the same time, ONUB continues to engage Burundian and international partners on the implementation of the concept for the integration of the national police, referred to in my last report. The concept includes the creation of joint commissions on police legislation and personnel management, as well as construction and refurbishment of police training centres and training. Donors who have expressed willingness to support the implementation of this programme include the Governments of Belgium, France and the Netherlands. Despite some delays, the implementation of the concept has begun, including the provision of tents to accommodate police in outlying areas and the launching of the training-the-trainers programme by ONUB.

27. On a related matter, ONUB has been cooperating closely with non-governmental agencies and organizations, including the International Committee of the Red Cross, Réseau des Citoyens and the Woodrow Wilson International Centre, in support of programmes such as the Burundian Leadership Training Programme, which has been adapted, with support from the Government of the United Kingdom of Great Britain and Northern Ireland, to address the training requirements of the new cadres of the national police.

IV. Deployment of the United Nations Operation in Burundi

28. As at 10 May 2005, the military strength of ONUB stood at 5,378 of the overall authorized strength of 5,650. The current strength includes 91 staff officers, 193 military observers deployed to 27 team sites, and infantry battalions from Ethiopia (Gitega and Muyinga), Kenya (Makamba and Ruyigi), Nepal (Bubanza and Ngozi), Pakistan (Cibitoké) and South Africa (Bujumbura Mairie, Bujumbura Rural, Muramvya and Mwaro), and a company of Kenyan military police and an infantry company from Mozambique (Bujumbura Mairie).

29. Major operational activities of the ONUB military component have included monitoring the ceasefire agreements, assisting with the distribution of electoral material, and supporting the disarmament, demobilization and reintegration process. The component continued to provide from 12 to 18 escorts daily to ONUB personnel, United Nations agencies and programmes and non-governmental organizations, as well as to food convoys to the cantonment sites. ONUB also provided more patrols to camps housing foreign refugees. A series of ONUB military operations during the reporting period were aimed at deterring foreign combatants from infiltrating the border, curtailing the flow of illegal weapons and assisting in the monitoring of the arms embargo against the Democratic Republic of the Congo, in coordination with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

30. The Secretariat has continued to engage the Government of Burundi regarding the conclusion of a status-of-forces agreement for ONUB. A representative of the Office of Legal Affairs is expected to visit Burundi early in June to finalize discussions on the draft agreement.

31. By the end of April 2005, almost 90 per cent of all civilian posts in ONUB had been occupied. A considerable number of these personnel are based at the five regional offices in Bujumbura Rural, Gitega, Makamba, Muyinga and Ngozi. At each office, electoral, human rights, civilian police, civil affairs and public information personnel operate under the leadership of a Regional Coordinator.

Cooperation between ONUB and MONUC

32. Coordination between ONUB and MONUC continued to be strengthened during the reporting period. On 9 and 10 May, the second high-level meeting between the two missions was held in Bujumbura. Discussions focused on cross-border issues that affect both peace processes, as well as on increasing collaboration, exchange of information and lessons learned with regard, inter alia, to humanitarian, human rights, disarmament, demobilization and reintegration and elections issues. A high level of coordination between the military contingents of the two missions has also been maintained, in particular between the ONUB and MONUC Pakistani contingents deployed along the Burundi-Democratic Republic of the Congo border, including daily exchange of information and regular visits. It was agreed during the second high-level coordination meeting that both missions would conduct coordinated operations in the Rukoko forest, as well as on Lake Tanganyika, with a view to deterring the illicit movement of armed elements and weapons across the border.

V. Human rights, rule of law and gender

33. On 12 May 2005, ONUB issued a report that documents human rights violations committed by the Burundian parties during the period from June to November 2004. My Special Representative presented the findings of the report to President Ndayizeye in March 2005. ONUB intends to issue periodic reports on the human rights situation in the hope that it can contribute to redressing the culture of impunity that has prevailed in Burundi.

34. At the same time, the Operation continued to document and investigate incidents in which soldiers from the former Burundian armed forces, CNDD-FDD (Nkurunziza) and subsequently the National Defence Force committed major human rights abuses, including summary execution, rape, torture, arbitrary arrest and detention, intimidation and pillage. It should be noted that CNDD-FDD (Nkurunziza) soldiers continued to operate "parallel" administrations and illegal detention facilities until their cantonment in April. On numerous occasions in the past, ONUB human rights officers were denied access to military positions to verify reports of arbitrary arrest and detention. They were also sometimes denied access to Gendarmerie brigades. The Operation repeatedly brought these issues to the attention of the respective commands of the Burundian armed forces and CNDD-FDD, and later the new National Defence Force command, as well as the Transitional Government.

35. Regrettably, incidences of sexual violence, including rape, remain high, in particular those involving children. ONUB has, within the context of its mandate, provided advice and assistance to victims and their families and encouraged prosecution of cases. ONUB has also embarked upon a nationwide public awareness campaign against sexual violence through seminars and public meetings. Recently, President Ndayizeye indicated his intention to apply the full force of the law against rapists.

36. Correctional institutions in Burundi remain overcrowded, under-resourced, and run by personnel who are largely untrained. Over the past year, ONUB repeatedly raised with the Transitional Government a number of serious questions pertaining to these operational inadequacies. In at least two instances at the Ngozi and Ruyigi prisons, authorities reportedly used excessive force which resulted in the death of seven detainees. As a response to these developments, ONUB initiated a project to provide training to prison guards on security management in prisons, including on the appropriate use of force and firearms.

37. The regular monitoring by ONUB of prisons and holding cells, as well as its support to judicial authorities, has led to the initiation of legal proceedings in cases where detainees have been held beyond the statutory limit, and where there were serious irregularities in their original detention. In addition, ONUB has repeatedly expressed concern over the past 12 months at the unresolved status of thousands of political prisoners, some of whom have been held without trial since 1993. In March 2005, the Minister for Justice proposed the release of all detainees awaiting trial for more than six years, and those in the investigation phase after eight years.

38. As a result of continuing impunity in some parts of the country, and lack of faith in the police and judiciary, there were reported incidents in which the population took the law into its own hands. In recent instances, victims were beaten to death, set on fire, or even buried alive. These group acts are seldom investigated

by the police and frequently go unpunished. ONUB, in cooperation with police and judicial authorities, has organized a series of public meetings in Muyinga Province, where numerous cases were reported, to discourage these practices.

39. At the same time, ONUB and MONUC continued their follow-up to the joint investigation into the Gatumba massacre of 13 August 2004. On 13 April 2005, the Burundian Minister of Justice indicated during a meeting with ONUB that the report of the National Commission of Inquiry into the Gatumba massacre was completed, and that it would soon be made available to the Operation.

Gender issues

40. ONUB continued to place strong emphasis on enhancing women's participation in the political process, in part through an active sensitization strategy to encourage women to vote. ONUB also provided campaign preparation training for 136 potential female candidates in the *collines*, communes and legislative elections. In addition to assisting in the development of community-based programmes aimed at victims of sexual violence, the ONUB gender unit continued raising awareness on gender mainstreaming within the Operation, inter alia, by providing induction training to incoming ONUB civilian and military personnel on this important issue.

VI. Humanitarian situation

41. The improved security situation now permits regular humanitarian access nationwide, in contrast with previous years when whole regions were sometimes inaccessible for months as a result of the violence, which often caused massive population displacements. The protection of civilians in Bujumbura Rural has remained a cause for concern, however, in particular as a result of the manipulation of humanitarian assistance by all armed elements.

42. In April, approximately 8,000 Rwandans crossed the border into the northern Provinces of Ngozi and Kirundo, many seeking asylum allegedly following the beginning of the gacaca trial process in their country. In response, temporary shelters were established in collaboration with UNHCR and, at the request of the Transitional Government, the arrivals were transported from border areas to Cankuzo Province. On 23 April, the Transitional Government suspended the transfer while bilateral discussions were held with the Government of Rwanda. The United Nations continues to provide humanitarian assistance with implementing partners.

43. Preliminary findings of the internally displaced persons survey for 2005, conducted by the Office for the Coordination of Humanitarian Affairs and partners, showed that 21,361 internally displaced persons remain in sites for the displaced in Bururi, Cankuzo, Makamba, Rutana and Ruyigi Provinces, compared to 61,616 in 2004. As at 25 April, UNHCR reported that 10,261 Burundian refugees had returned from the United Republic of Tanzania since the beginning of the year. Of those, 9,456 returned with the assistance of facilitated repatriation programmes, while 805 returned spontaneously.

44. In the meantime, the United Nations and non-governmental organizations continued expanded assistance measures in vulnerable communes in Kirundo, Ngozi and Muyinga. Although in general stabilizing, the situation requires close

monitoring. During the reporting period, the World Food Programme and the Food and Agriculture Organization of the United Nations distributed agricultural seeds to 203,629 households and seed-protection food rations to 169,292 families.

Quick-impact projects

45. Since the launch of ONUB quick-impact projects in September 2004, 59 community-based projects in 14 provinces have received US$ 657,542 in direct assistance. To date, ONUB has rehabilitated 14 schools, benefiting over 8,506 teachers and students, and provided sports equipment and books to some 53,000 pupils. The Operation also provided new lodgings for 820 orphans and 108 displaced families as well as clean water to about 13,500 villagers, and 6 health facilities were refurbished. The Batwa minority has benefited from these projects, in particular in the areas of economic development and education. The rehabilitation of two maternity wards is expected shortly. In addition, 332 female heads of households will shortly be benefiting from equipment to start income-generating projects.

HIV/AIDS

46. The Joint United Nations Programme on HIV/AIDS (UNAIDS) ranks Burundi at 15 among States most affected by the pandemic. The number of Burundians living with HIV/AIDS is estimated at 390,000, of whom about 190,000 are women and 55,000 are children. The implementation of the Burundi strategic HIV/AIDS plan will continue to require United Nations assistance, especially in human resources and capacity-building at the local and national levels.

47. In accordance with Security Council resolution 1308 (2000) and the Declaration of Commitment on HIV/AIDS, ONUB will continue to sensitize military and civilian personnel on the need to prevent and combat HIV/AIDS and other communicable diseases, through, inter alia, predeployment and induction training, peer education, and voluntary and confidential counselling and testing. Equal priority will be placed on behavioural change and preventative measures. A key aspect of ONUB work in this regard will also be the commencement of an outreach programme to Burundian communities.

VII. Code of conduct

48. My Special Representative is acutely aware of the importance of the behaviour of ONUB personnel meeting with the highest standards expected by Member States and in conformity with my "zero-tolerance" policy on undesirable behaviour, abuse and sexual exploitation. Appropriate measures have been taken to ensure that the unacceptable behaviour of a few is dealt with expeditiously. Priority has been given to prevention, including the engagement and commitment of every level of management, which is responsible for ensuring that the necessary information is effectively communicated and understood by all personnel.

49. In March, a comprehensive code of conduct was widely disseminated among ONUB and United Nations personnel in Burundi. Staff were also provided with copies of my letter to the Security Council on the investigation conducted by the Office of Internal Oversight Services in MONUC, as well as the report entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United

Nations peacekeeping operations" (see A/59/710). ONUB circulars on standards of conduct, sexual harassment, curfew violations, driving standards and the commencement of joint military/security patrols were issued in a number of languages. The ONUB code of conduct officer, working with the public information section, has also posted 1,000 sexual exploitation and abuse tracts in public places, and commenced the dissemination of 10,000 campaign posters nationwide in May 2005. My Special Representative has also availed herself of numerous opportunities to address the need for strict adherence to the code of conduct and raise the issue with ONUB civilian and military personnel directly, through "town meetings" and in the regions, including with contingent commanders, military observers and civilian police.

50. As a result, a recent survey conducted in ONUB demonstrated that the level of awareness regarding disciplinary issues and procedures is high, with 95 per cent of respondents displaying an understanding of what constitutes misconduct or prohibited behaviour. Despite this level of awareness, the challenge of maintaining an environment of good behaviour is daunting, particularly in an environment where extreme poverty prevails. ONUB may require additional human resource capacity in this field, if it is to meet the high standards it has set itself.

VIII. Public information

51. Since October 2004, ONUB has been broadcasting weekly radio programmes that reach about 95 per cent of the country. In December 2004, daily production of bilingual regular news and current affairs programmes commenced, including ONUB advisories and awareness-raising campaigns on elections and the disarmament, demobilization and reintegration process. Late in February the Operation started producing weekly television programmes in French and Kirundi. It is expected that ONUB radio and video coverage during the electoral period will continue to provide Burundians with a reliable and impartial news source.

IX. The way forward

52. After the conclusion of the transitional process in Burundi, expected in August, it will be important in the next phase to look ahead to how the newly elected Government of Burundi can continue to consolidate peace and embark on the path of major reforms, reconstruction and development, as well as how the international community can provide it with the best support in that regard. Two areas will require significant attention: the first involves the provision of international assistance and guarantees to ensure that the remaining aspects of the Arusha Agreement, as well as subsequent power-sharing arrangements, are fully implemented. The second relates to the concerted effort required on the part of the Burundians themselves and the international community to ensure that the necessary tools for economic and social development are available to the country as it emerges from years of devastating conflict.

Post-transition international support mechanism

53. It should be recalled that the Implementation Monitoring Committee was established under the provisions of the Arusha Agreement to monitor, supervise and

coordinate the implementation of the Agreement. Having played a critical role in the peace process since September 2000, the Committee is expected to be dissolved at the end of the transition. Consequently, and as indicated in my previous report to the Council, my Special Representative has started consultations on the possible establishment of an international support mechanism that would accompany the elected government through its first term. In principle, such a mechanism could assist the Government in ensuring respect for the Arusha Agreement reforms introduced during the transitional period, as well as contribute to the completion of the outstanding reforms under its provisions. It could work in partnership with the new government in mobilizing financial, technical and human resources required for the implementation of the reforms.

54. Subject to consultations and the agreement of all stakeholders, in particular the Transitional Government, participation in this proposed body could include representatives of the Regional Initiative, the Facilitation, international bilateral and multilateral partners and donors, the African Union, and the United Nations. From its side, the new government could designate representatives to coordinate with the mechanism. At the same time, the mechanism could be empowered to consult and take into account the views of Burundian civil society. A special secretariat for the mechanism could initially be provided by ONUB, with funding and operational modalities to be determined by its members. I expect to submit a detailed proposal on the establishment of such a mechanism in my next report to the Security Council.

Economic and social development

55. Experience has demonstrated that almost half of the countries emerging from conflict could return to violence within five years unless sound political and economic reforms are introduced, and adequate financial support is available to face the challenges associated with post-conflict recovery. If the significant progress achieved on the political and security fronts in Burundi is to be sustainable, the population must benefit soon and in a tangible manner from the dividends that peace brings. The newly elected government, with the support of the international community, must therefore make reconstruction and the creation of conditions for sustained development, including provision of basic social services to the population, the main focus of its policies.

56. The completion, expected in August 2005, of the Burundi poverty reduction strategy paper, within the framework of the Millennium Development Goals, will be essential, in part if the country is to benefit from the Heavily Indebted Poor Countries (HIPC) Initiative. With limited resources and a very heavy debt burden, the country's debt service is already untenable, amounting to approximately US$ 64 million per year. Substantial assistance will therefore be needed to help Burundi to meet the critical requirements under the enhanced HIPC initiative, so as to free the scarce financial resources and stimulate increased donor assistance for the recovery of basic social and economic infrastructure. Sustained satisfactory performance under the Poverty Reduction and Growth Facility of the International Monetary Fund, as well as one year of successful implementation of the full benchmarks of the poverty reduction strategy papers, could allow the country to reduce its debt service under the HIPC initiative to $19.4 million per year as early as December 2006.

57. In the meantime, the United Nations and the World Bank are working closely with the Transitional Government of Burundi with a view to organizing the next round-table process, in order to provide the funding required for the implementation of institutional and socio-economic reforms in the post-transition period. The completion of the poverty reduction strategy papers before then would also provide an opportunity to secure donor support for a nationally owned development programme.

58. With the support of the international community, the newly elected Government should also embark on key reforms aimed at enhancing the capacity of its institutions, decentralization, the rule of law, and economic governance. At the same time, rural development should become a main priority. The diversification of economic activities and development of new sources of income for rural communities will be essential to alleviate existing pressures on land in this overpopulated country. The introduction of efficient and environmentally sound techniques of land exploitation could permit the gradual transition from a predominantly subsistence agriculture to a market-oriented, income-generating one.

X. Financial aspects

59. The General Assembly, by its resolution 59/15 of 29 October 2004, appropriated the amount of $329.7 million for the maintenance of ONUB for the period from 1 July 2004 to 30 June 2005, inclusive of the amount of $106.3 million previously authorized for the Operation in its resolution 58/312 of 18 June 2004. My proposed budget for ONUB for the 2005/06 financial period is currently under consideration by the General Assembly, and its action on the budget is expected shortly.

60. As at 30 April 2005, unpaid assessed contributions to the special account for ONUB amounted to $88.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,218.8 million.

XI. Observations and recommendations

61. There is no doubt that there have been important advances in the peace process in Burundi during the past year, and since my previous report to the Security Council. However, progress has been slow, resulting in a further extension, until 26 August 2005, of an already extended transition period. While I believe that Burundi is on the path to becoming a stable and peaceful country that can provide a better future for all its citizens, the process of reform has not yet become irreversible. It will therefore be incumbent on the Burundian parties to demonstrate the political will necessary for the successful conclusion of the transitional process, and to ensure the strictest adherence to the new electoral calendar.

62. All political parties must exercise restraint in their electoral campaigns and refrain from taking any actions which may affect the cohesion of the transitional process or are prohibited by the electoral code of conduct. It is essential that elections are carried out in a peaceful environment that encourages voter participation, and can provide a model for subsequent elections in the country.

63. Regrettably, political tensions continue to affect the level of trust between the parties. I invite all Burundian leaders to reinforce the message that sectarian interests can no longer define modern Burundian society, which should now build upon the gains of the peace process and move in the direction of national reconciliation, stability and development. I strongly believe that the international community should play an active role in support of the newly elected government, and I hope that early agreement can be reached on the proposed international support mechanism, described in paragraphs 53 and 54 above.

64. I would like to join the Heads of State of the Regional Initiative in endorsing the efforts of the Government of the United Republic of Tanzania to facilitate an agreement with FNL (Rwasa). The comprehensive ceasefire, espoused by all groups, and long awaited by the Burundian people, will be a concrete sign of the commitment of FNL to joining the peace process.

65. In the meantime, the Government of Burundi must find a solution to its devastating debt burden, if the country is to enter the reconstruction and development phase in earnest. The Transitional Government should therefore take the necessary steps to assist the elected authorities in that direction. The alleviation of the debt burden through the enhanced HIPC initiative will allow Burundi to free the necessary resources and to increase the welfare of its population. Failure to take the necessary measures could force donors to suspend assistance that is essential for ensuring sustainable peace.

66. Despite progress made, the scope of human rights violations in Burundi remains a serious concern. Human rights abuses are frequently perpetrated in the absence of appropriate legal mechanisms, and in a general atmosphere of impunity. At the core of many of these crimes remains the dangerous undercurrent of ethnic and regional division, which will need to be decisively and persistently addressed in the post-transition period. Reconciliation will therefore remain an essential element of the nation's difficult path towards national healing and lasting peace.

67. ONUB has, since its deployment, contributed in a significant way to the progress achieved in the peace process. I believe its presence will continue to play a vital role, in particular during the forthcoming electoral period. I would therefore like to recommend the extension of the Operation's mandate at its current strength for an additional period of six months, until 1 December 2005.

68. In conclusion, I would like to thank the Heads of State of the Regional Initiative, in particular its Chairman, as well as the Facilitator for their dedicated efforts to keep the transitional process on track. I would also like to express my sincere appreciation to the men and women of ONUB, who, under the leadership of my Special Representative, Carolyn McAskie, have continued to work tirelessly for the sake of peace in Burundi. My appreciation also goes out to the staff of the United Nations system, non-governmental organizations, and the many bilateral and multilateral donors who continue to contribute in a major way to progress in the country.

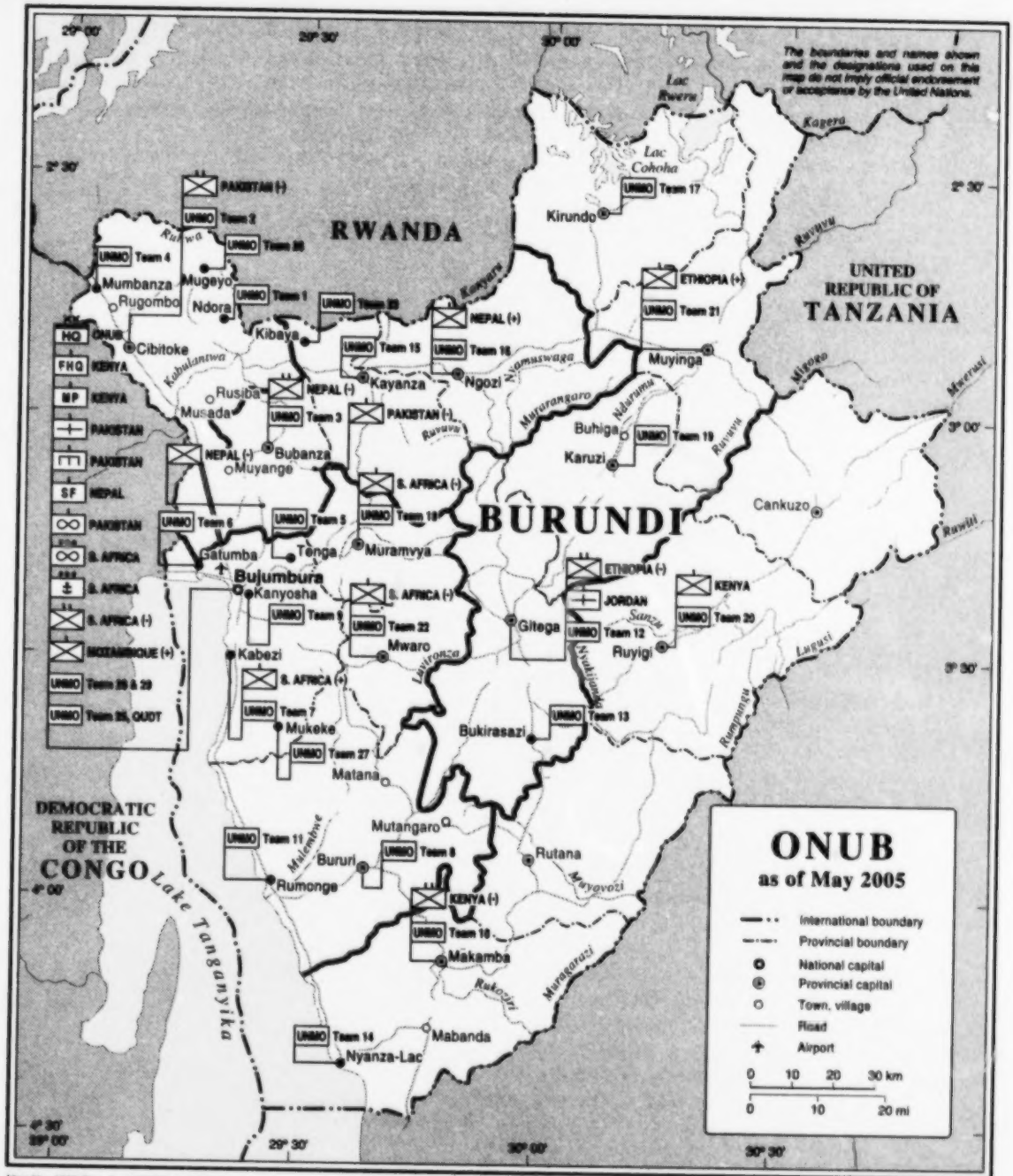
Annex

United Nations Operation in Burundi: civilian police and military strength

(as at 10 May 2005)

	Civilian police	*Troops*	*Military observers*	*Total*
Algeria	—	1	1	2
Bangladesh	—	—	2	2
Belgium	—	—	2	2
Benin	9	—	4	13
Bolivia	—	—	3	3
Burkina Faso	18	2	13	33
Cameroon	13	—	—	13
Chad	3	—	8	11
China	—	—	3	3
Côte d'Ivoire	2	—	—	2
Egypt	—	—	2	2
Ethiopia	—	855	5	860
Gabon	—	—	6	6
Gambia	—	—	1	1
Ghana	—	—	2	2
Guatemala	—	—	3	3
Guinea	11	—	2	13
India	—	4	7	11
Jordan	—	62	5	67
Kenya	—	1 008	2	1 010
Kyrgyzstan	—	—	1	1
Madagascar	1	—	—	1
Malawi	—	—	3	3
Malaysia	—	—	3	3
Mali	17	2	17	36
Mozambique	—	184	3	187
Namibia	—	—	3	3
Nepal	—	938	6	944
Netherlands	—	1	—	1
Niger	16	—	2	18
Nigeria	2	1	5	8
Pakistan	—	1 194	5	1 199
Paraguay	—	—	3	3
Peru	—	—	3	3
Philippines	—	—	3	3

	Civilian police	*Troops*	*Military observers*	*Total*
Portugal	—	—	2	2
Republic of Korea	—	—	2	2
Romania	—	—	3	3
Russian Federation	—	—	8	8
Senegal	12	5	5	22
Serbia and Montenegro	—	—	1	1
South Africa	—	920	5	925
Spain	—	1	—	1
Sri Lanka	—	—	1	1
Thailand	—	2	3	5
Togo	—	3	13	16
Tunisia	—	3	12	15
Turkey	3	—	—	3
Uruguay	—	—	3	3
Yemen	—	—	5	5
Zambia	—	—	2	2
Total	**107**	**5 186**	**193**	**5 486**



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Letter dated 18 May 2005 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a copy of a letter from Rasim Ljajić, Minister for Human and Minority Rights of Serbia and Montenegro, and Nebojša Čović, President of the Coordination Centre of Serbia and Montenegro and of the Republic of Serbia for Kosovo and Metohija, addressed to the Secretary-General (see annex).

I should be grateful if you circulated the present letter and its annex as a document of the Security Council.

(*Signed*) Nebojsa **Kaludjerović**
Permanent Representative

05-35321 (E) 240505

Annex to the letter dated 18 May 2005 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

16 May 2005

In view of the fact that stable and democratic Kosovo and Metohija is our common interest, and that the protection of human rights is a fundamental principle of democratic societies, we are writing to you to express our serious concern regarding the situation of human rights in Kosovo and Metohija, especially the rights of non-Albanian national communities.

Considering that international standards contained in international legal instruments have to be respected in Kosovo and Metohija, Serbia and Montenegro has insisted that the international conventions acceded to by our country be respected in Kosovo and Metohija as well, so that all citizens of Serbia and Montenegro may enjoy the same level of human rights protection in all parts of its territory. That is why we have welcomed the decision that UNMIK and the Council of Europe sign a bilateral agreement whereby UNMIK undertook to implement two major international conventions in Kosovo and Metohija: the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Unfortunately, we have to point out that almost one year after that agreement was signed UNMIK has failed to honour its obligations under those conventions. The Framework Convention for the Protection of National Minorities is the only international legally binding instrument for the protection of national minorities. Serbia and Montenegro signed that Convention even before the country's admission to the Council of Europe, thus expressing its commitment to improve the standards for national minority protection. In addition, it submitted its report on the implementation of the Convention, which was acknowledged by the visit of the Advisory Committee and through a resolution of the Council of Europe Parliamentary Assembly.

On the other hand, UNMIK failed to submit its report by February this year, thus seriously breaching its obligations under this international document. Consequently, the visit of the Advisory Committee was postponed, while it could have appraised the level of national minority protection in Kosovo and Metohija and thus assisted in the final assessment of standards in this field.

The Convention for the Prevention of Torture adopted by the Council of Europe is also one of the fundamental international documents on human rights protection, and the Council of Europe Committee for the Prevention of Torture, with its wide-ranging authority, makes it possible for an accurate assessment of the situation in this area to be made for each country. Immediately upon signing the Convention, Serbia and Montenegro facilitated the visit of the Committee for the Prevention of Torture and provided free access to all prisons, police precincts and psychiatric institutions. On the other hand, so far the Committee has not been allowed to visit nor granted access to all of the detention facilities in Kosovo and Metohija. The Secretary General of the Council of Europe, Terry Davis, in his communication of 3 December 2004 to the Secretary General of NATO, Jaap de Hoop Scheffer, again insisted that the Technical Agreement be signed to allow

unhindered access to the prison facilities under KFOR control. Unfortunately, so far, the Council of Europe has not been able to exercise its right under the Convention — to inspect the situation on the ground and assess the treatment of prisoners in Kosovo and Metohija.

This, of course, raises grave concern, since the international administration in Kosovo and Metohija is currently in serious breach of its obligations towards international organizations, such as the Council of Europe. On the other hand, it is more than evident that the citizens in Kosovo and Metohija do not enjoy the same rights as those living in other parts of our country while it is our duty and obligation to provide to all our citizens the same standards.

We would also like to draw your attention to another problem that causes anxiety in the public and threatens to further aggravate the situation of the non-Albanian population that fled Kosovo and Metohija. Serbia and Montenegro and the Federal Republic of Germany concluded a bilateral Readmission Agreement. In the course of negotiations and later in its implementation, it was agreed that the displaced non-Albanian population will not be forcibly repatriated to the territory of Kosovo and Metohija before necessary security standards for their safety are fully met. Concerned over a possible forcible repatriation of refugees from Kosovo and Metohija, mainly Roma, the Committee of Ministers of the Council of Europe adopted recommendation 1633 (2003) obliging the countries accommodating non-Albanian refugees from Kosovo and Metohija not to deport them forcibly to the Kosovo and Metohija territory. Thus, this principle has been recognized not only in a bilateral agreement but also in an international document.

Nevertheless, on 26 April 2005, without even consulting Serbia and Montenegro, which has already signed the Readmission Agreement with Germany, UNMIK and Germany signed a bilateral agreement stipulating conditions for deportation of Askalias, Egyptians and Roma from Germany to Kosovo and Metohija.

At the same time, the Prime Minister of Kosovo, Bajram Kosumi, during his visit to Macedonia, gave guarantees for the return of around 6,000 Roma who fled Kosovo and Metohija and settled in the territory of Macedonia. Over the past two years, Roma refugees in Macedonia have staged numerous protests opposing their forcible repatriation to Kosovo and Metohija although they live at the verge of subsistence. Throughout the entire period, the administration in Kosovo and Metohija has failed to take any concrete step, not even trying to assure Roma refugees that they can return to Kosovo and Metohija.

Serbia and Montenegro welcomes all opportunities for the return of displaced persons, but follows with great concern these sudden attempts to force displaced non-Albanians, mostly Roma, to return to Kosovo and Metohija without their consent at a moment when the final assessment of the standards is pending. We believe that it would create a distorted picture of the process of returns and the security situation in Kosovo and Metohija. Ultimately, the citizens returned forcibly would be compelled again to seek refuge out of Kosovo and Metohija and find themselves in an even more precarious situation of renewed exile and reintegration.

Therefore, we urge UNMIK to finally begin to carry out its international obligations and thus enable all citizens of Kosovo and Metohija to enjoy international legal protection. We also call for an end to these dangerous attempts at

forcible returns of displaced persons and request that the rights of refugees and displaced persons be seriously taken into consideration.

Convinced that you are also committed to the same principles of democracy and human rights protection, as well as to the respect of the international principles of human and minority rights in Kosovo and Metohija, we call upon you to duly consider the above-mentioned problems and take appropriate steps.

(*Signed*) Rasim **Ljajić**
Minister for Human and
Minority Rights

(*Signed*) Nebojša **Čović**
President of the Coordination Centre
of Serbia and Montenegro for
Kosovo and Metohija